



TOWN OF SHALLOTTE

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Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW, Room: 8-B201
Washington, DC 20554

November 5, 2009

RE: PETITION FOR DECLATORY RULING BY CTIA
[DA-0913; WT Docket No. 08-165]

Dear Chairman Genachowski:

The Board of Aldermen of the Town of Shallotte, North Carolina wishes to provide comment on the Petition for Declaratory Ruling submitted by CTIA, the cellular telephone trade associate. The Town strongly opposes the interpretation sought by CTIA and requests that the FCC rule in favor of preserving local land use regulatory authority of wireless telecommunication facilities.

Wireless telecommunications are an increasingly important technology in the lives of our citizens and the Town recognizes that it is in our best interest to allow for the provision of these services within our jurisdiction. However, we firmly believe that locally-elected officials should have the authority to determine locally-appropriate regulatory tools and procedures in permitting telecommunication facilities, as with other land uses. We further believe that such factors as permitting timelines and tower co-location are best decided at the local level.

RE: Requested Actions 1 & 2: The Town of Shallotte believes it could be difficult to fully process a telecommunications tower application within 75 days in all cases while still adhering to procedural requirements mandated by State and local law. Various factors affect the permitting timeline, including application submittal date, board meeting dates, board attendance and quorums, public hearing notices, and newspaper advertising deadlines. It is unfair to a local government to have an application automatically approved if it, in good faith, fails to take final action within 75 days. It is also unfair to all other applicants whose applications are processed in normal fashion and in order of submission.

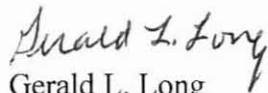
RE: Requested Action 3: The Town of Shallotte adamantly opposes any ruling that has the effect of limiting the ability of a local government to require co-location of wireless equipment

on existing towers, regardless of the Commission's position on whether or not the Act is satisfied by the presence of a single wireless provider. Co-location is a critical tool in providing wireless service to our citizens with the least impact on the community. Tower fall zones are a very inefficient use of urban land a proliferation of single-provider towers is a significant waste of finite land resources. Additionally, the ability of a local government to require non-tower solutions to providing wireless service should also be protected at all costs.

RE: Requested Action 4: Wireless siting applications have many unique aspects and may sometimes require unique regulatory procedures. No land use regulation can predict all situations and the variance is a critical tool to allow for a properly-functioning ordinance. Other potentially burdensome regulatory tools, such as special or conditional use permits or special exceptions, should also be preserved to enable local governments to consider site-specific factors and impose reasonable conditions in an effort to mitigate the potentially adverse impacts of certain land uses, including wireless facilities, on other existing land uses, including residences.

Wireless telecommunication is a very important service to our Town and its citizens. Please keep in mind during your deliberations that local governments are perfectly capable of determining appropriate zoning and land use regulations and procedures that balance the needs of citizens with those of their wireless providers. Thank you for considering our comments on this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald L. Long". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Gerald L. Long
Mayor